

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : Chapter 7

HOWARD FRANCIS MARQUETTE, JR. :

Debtor : Bank. No. 24-10759

CHAPTER 7 TRUSTEE'S OBJECTION TO
DEBTOR'S EXEMPTIONS

1. Debtor filed a Chapter 13 Bankruptcy Petition on March 6, 2024. The case was converted to a Chapter 7 case on August 14, 2024.

2. On August 15, 2024 Robert H. Holber (" Trustee") was appointed as Interim Chapter 7 Trustee regarding the above mentioned debtor.

3. A 341(a) Creditors Meeting was held and has been continued to November 20, 2024.

4. Debtor, on or about September 18, 2024 filed Amended Schedule A/B and listed the following assets (not inclusive):

<u>ASSET</u>	<u>VALUE</u>
A. Primary Residence: 4B 1.5BA 3114 /Surrey Lane, Aston, PA 19014	\$355,000
B. 2017 Chevrolet Silverado 1500	\$19,500
C. 2021 Harley Davidson XL1200X	\$8,300

Attached hereto and made a part hereof, marked as Exhibit "A", is a true and correct copy of Amended Schedule A/B.

5. Debtor, on or about September 18, 2024, filed Amended

Schedule C and exempted his interest in the above assets as follows:

<u>ASSET</u>	<u>EXEMPTION</u>	
A. Primary Residence: 4B 1.5BA 3114 /Surrey Lane, Aston, PA 19014	511(d) (1)	\$27,900
	522(b) (3) (B)	\$160,869.50
	522(d) (5)	\$0.00
	522(p)	\$189,050
B. 2017 Chevrolet Silverado 1500	522(d) (5)	\$100% of FMV
	522(d) (2)	\$4,450.00
C. 2021 Harley Davidson XL1200X	522(d) (5)	\$0.00
	522(d) (2)	100% of FMV

Attached hereto and made a part hereof, marked as Exhibit "B", is a true and correct copy of Amended Schedule C.

OBJECTION

6. Debtor has inappropriately attempted to exempt the above mentioned assets as follows:

ASSET

A. Primary Residence: 4B 1.5BA
3114 /Surrey Lane,
Aston, PA 19014

Debtor is not allowed to utilize both federal and state exemption schemes in the same case. Debtor cites 11 U.S.C. 522(d)(1) - federal exemption, and 11 U.S.C. 522(b)(3)(B) - state exemption. The asset in question, although subject to an equitable distribution claim in a state court divorce action, is in the name of debtor only making it ineligible to be exempted under state law.

Debtor also has exempted the sum of \$189,050 and cites 11 U.S.C. 522(p). That section also relates to use of the state exemption which does not apply to this asset.

B. 2017 Chevrolet Silverado 1500

Debtor has cited 11 U.S.C. Section 522(d) (5) while exempting 100% of the fair market value of this asset. Section 522(d) (5) allows for an exemption in any asset up to a value of \$\$1,475.00 plus any unused amount of the exemption provided under paragraph (1) of this subsection. Debtor has already used the entire amount of his exemption in his residence under paragraph (1) of this subsection. Therefore, debtor, at most, is entitled to an exemption of \$1,475.00 in this asset.

C. 2021 Harley Davidson XL1200X

Debtor has cited 11 U.S.C. (d) (2) as support for 100% of the fair market value of this asset. Section 522(d)(2) allows for exemption in the amount of \$4,450 of value in ONE vehicle. Debtor has already utilized this exemption for his 2017 Chevrolet Silverado.

7. Trustee believes the accurate exemption for Debtor for the assets subject to this objection should be as follows:

<u>ASSET</u>	<u>EXEMPTION</u>
A. Primary Residence: 4B 1.5BA 3114 /Surrey Lane, Aston, PA 19014	511(d) (1) \$27,900
B. 2017 Chevrolet Silverado 1500	522(d) (2) \$4,450.00
C. 2021 Harley Davidson XL1200X	\$00.00

WHEREFORE, Chapter 7 Trustee requests that this Honorable Court find that Debtor's exemptions that are the subject of this Objection should be as is listed in Paragraph 7 of this Objection.



Robert H. Holber, Esquire